

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Humberto Victornio, Jr. and Rory
Grundhoffer, as Co-Trustees for the
next-of-kin of Diana Balderas,

Case No. 18-cv-226 JNE/DTS

Plaintiffs,

vs.

Shawn Hayes, acting in his individual
capacity as a Waseca County correctional
officer, Dan Mocol, acting in his individual
capacity as a Waseca County correctional
officer, John Does 1-2, acting in their
individual capacities as Waseca County
correctional officers, and Waseca County,

Defendants.

AFFIDAVIT OF ANDREW A. WOLF

I, **ANDREW A. WOLF**, after first being duly sworn upon oath do hereby
depose and state as follows:

1. I am a licensed attorney duly authorized to practice law in the State
of Minnesota and admitted to practice before this court.
2. I represent the Defendants Shawn Hayes, Dan Mocol, and Waseca
County in the above-captioned matter.

3. Attached hereto and incorporated herein as Exhibit 1 is a true and correct copy of the Summons and Complaint, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. August 18, 2015).

4. Attached hereto and incorporated herein as Exhibit 2 is a true and correct copy of BethAnn Wolff's Presentence Investigation, January 29, 2016.

5. Attached hereto and incorporated herein as Exhibit 3 is a true and correct copy of Diana Balderas's Petition to Enter Plea of Guilty, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. January 28, 2016).

6. Attached hereto and incorporated herein as Exhibit 4 is a true and correct copy of the District Court Order, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. July 29, 2016).

7. Attached hereto and incorporated herein as Exhibit 5 is a true and correct copy of the Probation Violation Report, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. July 29, 2016).

8. Attached hereto and incorporated herein as Exhibit 6 is a true and correct copy of MNPrairie County Alliance: Client Contact Summary, August 1, 2016.

9. Attached hereto and incorporated herein as Exhibit 7 is a true and correct copy of MNPrairie County Alliance: Client Contact Summary, August 4, 2016.

10. Attached hereto and incorporated herein as Exhibit 8 is a true and correct copy of the Release Order, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. September 6, 2016).

11. Attached hereto and incorporated herein as Exhibit 9 is a true and correct copy of select medical records from the Waseca Clinic for Diana Balderas.

12. Attached hereto and incorporated herein as Exhibit 10 is a true and correct copy of Diana Balderas's Mental Health Evaluation at RiverView Clinic, April 25, 2016.

13. Attached hereto and incorporated herein as Exhibit 11 is a true and correct copy of MNPrairie County Alliance: Client Contact Summary, June 13, 2016.

14. Attached hereto and incorporated herein as Exhibit 12 is a true and correct copy of Diana Balderas's Rule 25 Chemical Use Assessment, July 20, 2016.

15. Attached hereto and incorporated herein as Exhibit 13 is a true and correct copy of Diana Balderas's Diagnostic Assessment from Fernbrook Family Center, September 6, 2018.

16. Attached hereto and incorporated herein as Exhibit 14 is a true and correct copy of Waseca County Jail: Booking Information, September 6, 2016.

17. Attached hereto and incorporated herein as Exhibit 15 is a true and correct copy of Waseca County Jail's Facility Inspection Report per Minn. Stat. §241.021, subd. 1, June 8, 2016.

18. Attached hereto and incorporated herein as Exhibit 16 is a true and correct copy of Steele County Intake Shift Log, September 6, 2016.

19. Attached hereto and incorporated herein as Exhibit 17 is a true and correct copy of Diana Balderas's Rule 25 Chemical Use Assessment, September 7, 2016.

20. Attached hereto and incorporated herein as Exhibit 18 is a true and correct copy of Diana Balderas's Mental Health Services Clinical Contacts from the Steele County Jail, September 9 and September 14, 2016.

21. Attached hereto and incorporated herein as Exhibit 19 is a true and correct copy of Diana Balderas's ARMHS Functional Assessment from Fernbrook Family Center, September 21, 2016.

22. Attached hereto and incorporated herein as Exhibit 20 is a true and correct copy of the Gold Cross Ambulance Patient Care Report Narrative, September 15, 2016.

23. Attached hereto and incorporated herein as Exhibit 21 is a true and correct copy of Owatonna Hospital's ED Screening Questions, September 15, 2016.

24. Attached hereto and incorporated herein as Exhibit 22 is a true and correct copy of the Findings of Fact and Order, from *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. September 15, 2016).

25. Attached hereto and incorporated herein as Exhibit 23 is a true and correct copy of the Deposition Transcript of Bradley James Milbrath, 24:12-24:15, January 23, 2019.

26. Attached hereto and incorporated herein as Exhibit 24 is a true and correct copy of the Transcript of Proceedings for the Probation Violation Hearing, in *State v. Balderas*, 81-CR-15-676, (Minn. Dist. Ct. October 13, 2016).

27. Attached hereto and incorporated herein as Exhibit 25 is a true and correct copy of the Deposition Transcript of Jay Dulas, October 30, 2018.

28. Attached hereto and incorporated herein as Exhibit 26 is a true and correct copy of Dan Mocol's Jail Incident Report, October 13, 2016.

29. Attached hereto and incorporated herein as Exhibit 27 is a true and correct copy of Mocol Deposition Exhibit #8: Gary Okins Interview of Dan Mocol, October 14, 2016.

30. Attached hereto and incorporated herein as Exhibit 28 is a true and correct copy of the Deposition Transcript of Timothy Kinniry, October 31, 2018.

31. Attached hereto and incorporated herein as Exhibit 29 is a true and correct copy of Select Training Records from Dan Mocol's Personnel File.

32. Attached hereto and incorporated herein as Exhibit 30 is a true and correct copy of the Deposition Transcript of Daniel J. Mocol, October 29, 2018.

33. Attached hereto and incorporated herein as Exhibit 31 is a true and correct copy of the Deposition Transcript of Shawn Hayes, October 29, 2018.

34. Attached hereto and incorporated herein as Exhibit 32 is a true and correct copy of Shawn Hayes's Jail Incident Report, October 13, 2016.

35. Attached hereto and incorporated herein as Exhibit 33 is a true and correct copy of Jail Administrator Tim Kinniry's Jail Incident Report, October 13, 2016.

36. Attached hereto and incorporated herein as Exhibit 34 is a true and correct copy of Hayes Deposition Exhibit #9: Gary Okins Interview of Shawn Hayes, October 14, 2016.

37. Attached hereto and incorporated herein as Exhibit 35 is a true and correct copy of the Deposition Transcript of Humberto Victornio, Jr., January 16, 2019.

38. Attached hereto and incorporated herein as Exhibit 36 is a true and correct copy of the Supplemental Narrative from the Hennepin County Medical Examiner's Office Autopsy Report for Diana Balderas.

39. Attached hereto and incorporated herein as Exhibit 37 is a true and correct copy of the Deposition Transcript of Rory Grundhoffer, January 15, 2019.

40. Attached hereto and incorporated herein as Exhibit 38 is a true and correct copy of Fernbrook Family Center Psychotherapy Contact Notes, from September 21, October 3, and October 10, 2016.

41. Attached hereto and incorporated herein as Exhibit 39 is a true and correct copy of Gary Okins Investigation Report, November 15, 2016.

42. Attached hereto and incorporated herein as Exhibit 40 is a true and correct copy of Gary Okins Interview of Jody Buckmeier, October 20, 2016.

43. Attached hereto and incorporated herein as Exhibit 41 is a true and correct copy of Gary Okins Interview of Rachel Cornelius, October 20, 2016.

44. Attached hereto and incorporated herein as Exhibit 42 is a true and correct copy of the Deposition Transcript of Rory Grundhoffer, Jr. January 16, 2019.

45. Attached hereto and incorporated herein as Exhibit 43 is a true and correct copy of the Deposition Transcript of Patrick S. Anderson, October 31, 2018.

46. Attached hereto and incorporated herein as Exhibit 44 is a true and correct copy of the Deposition Transcript of Jade Grundhoffer, January 15, 2019.

47. Attached hereto and incorporated herein as Exhibit 45 is a true and correct copy of the Deposition Transcript of Trevor Kanewischer, October 30, 2018.

48. Attached hereto and incorporated herein as Exhibit 46 is a true and correct copy of the Deposition Transcript of Gary Dean Okins, January 23, 2019.

FURTHER THIS AFFIANT SAYETH NOT.

STATE OF MINNESOTA)
): SS
COUNTY OF HENNEPIN)



Andrew A. Wolf

Subscribed and sworn to before me
this 1st day of August, 2019.

s/Rebecca J. Eitreim
Notary Public
My commission expires: 1/31/2020